

## Agricultural Marketing Service, USDA

## § 75.8

(f) *Division* means the Warehouse and Seed Division (WSD), AMS.

(g) *Director* means the Director of the Division or any other officer or employee of the Division to whom authority has been delegated to act in the Director's stead.

(h) *Person* means any individual, partnership, association, business trust, corporation, entity, or any other organized group of persons, whether incorporated or not.

(i) *Seed* means any agricultural or vegetable seed.

(j) *Interested Party* means any person financially interested in a transaction involving seed.

(k) *Applicant* means an interested party who requests any inspection service with respect to seed.

(l) *Authorized agent* means an agent to whom authority to represent a person or government agency has been given by that person or government agency through delegation, contract or cooperative agreement, or other means.

(m) *Memorandum of Understanding* means a written plan between AMS and a State for carrying out their separate activities in a project of mutual interest to the parties involved.

(n) *Inspector* means a licensed employee of a State authorized pursuant to a Memorandum of Understanding or an employee of the Department authorized by the Director, to draw samples of seeds, seal containers, inspect records, test seeds for quality, issue certificates and reports, and bill for services.

(o) *Inspection* means sampling seeds, sealing containers, testing seeds for quality and reviewing records.

(p) *Appeal inspector* means an inspector or other person designated or authorized by the Division to perform appeal inspections under the Act and regulations in this subpart.

(q) *Certificate* means a certificate issued under the Act and the regulations in this subpart.

### ADMINISTRATION

#### § 75.3 Authority.

The Director is charged with the administration of the provisions of the regulations and the Act insofar as they

relate to the subject matter of the regulations, under the supervision of the Secretary and the Administrator.

#### § 75.4 Federal and State cooperation.

Pursuant to the Act, the Administrator is authorized to cooperate with the appropriate State agencies in carrying out provisions of the Act and these regulations through Memoranda of Understanding. The Memorandum of Understanding shall specify the duties to be performed by the parties concerned with each party directing its own activities and utilizing its own resources.

#### § 75.5 Regulations not applicable for certain purposes.

The regulations do not apply to the inspection of grain in the United States under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*), except to the extent that official grain samples received from the Federal Grain Inspection Service (FGIS) shall be examined for the presence of specified weed and crop seeds upon the request of FGIS.

#### § 75.6 Nondiscrimination.

The conduct of all services under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

### INSPECTION

#### § 75.7 Inspection in accordance with methods prescribed or approved.

Inspection of seed shall be rendered pursuant to these regulations and under such conditions and in accordance with the methods of either the Association of Official Seed Analysts (AOSA) or the International Seed Testing Association (ISTA).

#### § 75.8 Basis of service.

The regulations provide for inspection services pursuant to the Act. Seeds shall be inspected in accordance with the methods of either the Association of Official Seed Analysts (AOSA) or the International Seed Testing Association (ISTA); provided, that limitations in these rules respecting maximum lot size will not be observed and,